

### **REMARKS**

The Abstract of the Disclosure has been amended herein, as requested by the Examiner, to overcome the objection thereto by including Formula (1).

Claims 1, 2, 3, 5, 10 and 12 have been amended to make the claims more definite and to incorporate appropriate antecedent basis for overcoming the objection to claims 5 and 10, and to overcome the rejection of claims 1-12 under 35 USC 112.

The rejection of claims 1-12 under 35 USC 112 is respectfully traversed.

Claim 1 has been amended to clarify the metes and bounds of the substituents on R<sub>3</sub> in accordance with suggestion (1) of the Examiner. Moreover, antecedent basis is now provided in claim 1 for claim 4 permitting R<sub>6</sub> to be pyridine-2-yloxy.

Claim 5 has been amended to clarify the steps for subjecting an indenone compound of Formula (11) to a condensation reaction with NH<sub>2</sub>OH to obtain a compound of Formula (111).

Accordingly, amended claims 1, 2, 3, 5, 10 and 12 are now believed to be clear and definite and satisfy all of the requirements of 35 USC 112.

With regard to the rejection of claims 12 and 13, claim 13 has been cancelled and claim 12 amended to delete the expression "a therapeutically effective amount of" thereby removing the structural difference pointed out by the Examiner on page 5

of the Office Action. Undue experimentation is no longer needed to make and use the claimed composition. Accordingly, the specification now should enable a person skilled in the art to which it pertains to make and use the invention commensurate in scope with claim 12. Therefore, the rejection of claim 12 under 35 USC 112, first paragraph, should be withdrawn.

Reconsideration and allowance of claims 1-12 is respectfully solicited.

Respectfully submitted,

  
Eugene Lieberstein  
Registration No. 24,645

Customer # 79681  
BAKER & HOSTETLER LLP  
45 Rockefeller Plaza  
New York, NY 10111  
Tel: 212-589-4634 / Fax: 212-589-4201

**CERTIFICATE OF TRANSMISSION**

I hereby certify that this Amendment is being submitted via EFS-Web to Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on September 16, 2009.

By   
Audrey de Souza